

REMARKS

Reconsideration and the timely allowance of the pending claims, in view of the amendments and remarks herein, are respectfully requested.

Claims 15-51 are presently pending. Claims 1-14 remain pending, but are currently withdrawn from consideration. Claims 15, 22, 27, 32, 38, 45, 48 and 51 have been amended to recite that the servo frames are configured by virtue of the position and logic fields to provide a reference to locate the read element of the storage medium over the tracks of the storage medium. Support for this amendment can be found throughout the specification, including paragraph [0105]. Thus, claims 15-51 are presented for consideration.

REJECTIONS UNDER 37 C.F.R. §102(b)

Claims 15-51 were rejected under 35 U.S.C. §102(b) over U.S. Publication U2003/0002190 to Teo, et al. (hereinafter “Teo”).

The Applicant again thanks the Examiners for granting the in-person interview on August 2, 2007. At that interview, the Examiners stated that if the claims were amended to recite that a servo frame is a reference as to the location of a data sector, they would consider the amended claims to be patentability distinct over Teo. Claims 15, 22, 27, 32, 38, 45, 48 and 51 have been amended to each recite, per the Examiners’ suggestion, *inter alia*, that the servo frames are configured by virtue of the position and logic fields to provide a reference to locate the read element of the storage medium over the tracks of the storage medium.

As discussed at the interview, Teo only discloses the reading and writing of data sectors on media that is already configured to have servo frames. Teo’s data sectors do not provide a reference to locate the read element of the storage medium over the tracks of the storage medium, as recited in applicant’s amended claims 15, 22, 27, 32, 38, 45, 48 and 51. Thus, Teo fails to anticipate currently amended claims 15, 22, 27, 32, 38, 45, 48 and 51, and all claims that depend there from.

For all of the foregoing reasons, Teo does not disclose all elements of Applicant’s claimed invention, and therefore is not a proper basis for a §102(b) rejection thereof. Nor is there any disclosure or teaching in Teo that would have suggested Applicant’s claimed invention to one of ordinary skill in this art. Thus reconsideration and withdrawal of this rejection, and allowance of all 15-51 is respectfully requested.

CONCLUSION:

All matters having been addressed and in view of the foregoing, Applicant respectfully requests the entry of this paper, the Examiner's reconsideration of this application, and the immediate allowance of all pending claims.

Applicant submits that the entry of this Amendment is proper under 37 C.F.R. §1.116, as the claim changes: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not require any further consideration as the claim changes employ limitations from originally-filed dependent claims that should have already been searched; and (c) places the application in better form for an Appeal, should an Appeal be necessary.

Applicant's representative remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this matter. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975 (Ref. No. 011765-0307460). The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,



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